

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.**

**In the Matter of**

**CERTAIN PERSONAL  
TRANSPORTERS, COMPONENTS  
THEREOF, AND PACKAGING AND  
MANUALS THEREFOR**

**And**

**CERTAIN PERSONAL  
TRANSPORTERS AND COMPONENTS  
THEREOF**

**Investigation No. 337-TA-1007  
Investigation No. 337-TA-1021  
(Consolidated)**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION FINDING RESPONDENTS PHUNKEEDUCK, INC.  
AND SEGAWAY IN DEFAULT**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 9 issued in investigation Inv. No. 337-TA-1007, *Certain Personal Transporters, Components Thereof, and Packaging and Manuals Therefor*) of the presiding administrative law judge (“ALJ”) finding respondents PhunkeeDuck, Inc. (“PhunkeeDuck”) and Segaway in default.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted investigation Inv. No. 337-TA-1007, *Certain Personal Transporters, Components Thereof, and Packaging and Manuals Therefor* under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), on June 24, 2016, based on a complaint filed by Segway, Inc. of Bedford, New Hampshire; DEKA Products Limited Partnership of Manchester, New Hampshire; and Ninebot (Tianjin) Technology Co., Ltd. of Tianjin, China (collectively, “Complainants”). 81 *Fed. Reg.* 41342-43 (Jun. 24, 2016). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 6,302,230; 6,651,763; 7,023,330; 7,275,607; 7,479,872; and 9,188,984; and U.S. Trademark Registration Nos. 2,727,948 and 2,769,942. The complaint named numerous respondents. The Commission’s Office of Unfair Import Investigations (“OUII”) was named as a party.

On August 10, 2016, the ALJ issued Order No. 8, granting a motion for an order to show cause filed by Complainants. In that order, respondents PhunkeeDuck and Segaway were ordered to show cause why they should not be held in default for failing to respond to the complaint and notice of investigation. The order set a deadline of August 18, 2016, and no responses were received from any of the above-referenced respondents.

On September 1, 2016, the ALJ issued an ID (Order No. 9). The ALJ found that respondents PhunkeeDuck and Segaway failed to answer the complaint and notice of investigation and failed to show cause why they should not be found in default. The ALJ stated that, accordingly, these respondents are found in default. Order No. 9 at 1-2. No party petitioned for review of the subject ID, and the Commission has determined not to review it.

On September 21, 2016, the Commission instituted section 337 investigation No. 337-TA-1021, *Certain Personal Transporters and Components Thereof*, based on a complaint filed by the same Complainants. 81 *Fed. Reg.* 64936-37 (Sep. 21, 2016). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 6,302,230 and 7,275,607. The complaint named numerous respondents. OUII was named as a party. The Commission assigned investigation 337-TA-1021 to ALJ Shaw, the presiding ALJ in investigation 337-TA-1007, and directed him to consolidate these investigations. *See id.* at 64937.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in Part 210 of the Commission’s Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton  
Secretary to the Commission

Issued: October 3, 2016